

REMARKS

Office Action Is Erroneous

In the September 9, 2004 Office Action, the Examiner states that Claims 1-22 are pending in this application and rejects Claims 1-8 under 37 CFR 1.75 and 35 USC §101 as claiming the same invention as Claims 1-19 of prior US 6,706,427. These statements are erroneous.

Upon filing of this application on January 20, 2004, Applicants stated in the transmittal of the application to cancel Claims 1-8 (see attached copy and copy of return postcard showing receipt of Transmittal of Filing of Application, and cancellation of Claims 1-8 on page 2, by PTO). This cancellation of claims is being confirmed by this amendment.

Hence, the Office Action rejects claims that have already been canceled. Therefore, the Office Action was issued in error.

Allowance Of Claims

In the Office Action, the Examiner states that Claims 9-22 (the only pending claims) appear to be allowable in view of prior art of record.

Withdrawal Of Office Action And Issuance of Notice of Allowance

As explained above, the only rejected claims (1-8) have already been canceled and the remaining pending claims (9-22) have been allowed. Therefore, it is respectfully requested that this Office Action be withdrawn, and a Notice of Allowance issued on allowed pending Claims 9-22.

Conditional Extension Of Time

Applicants do not believe that an extension of time is necessary for this response. The September 9, 2004 Office Action was issued in error. The undersigned has had a number of conversations with the Examiner (including one when the Office Action was first received) informing him of the error in the office action and requesting that it be withdrawn. While the Examiner has stated that he would withdraw the Office Action, Applicants have not yet received such an action, prompting this response.

If an extension of time is needed to prevent abandonment of this application, Applicants are submitting herewith a conditional petition for extension of time and authorize charging our deposit account 50/1039 for any fee required.

Conclusion


Therefore, it is respectfully requested that the September 9, 2004 Office Action be withdrawn and a Notice of Allowance issued on pending Claims 9-22.

If any additional fee is due for this response, please charge our deposit account 50/1039.

Favorable consideration is earnestly solicited.

Respectfully submitted,

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Mark J. Murphy
Registration No. 34,225

COOK, ALEX, McFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street
Suite 2850
Chicago, Illinois 60606
(312) 236-8500

Customer no. 000026568